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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,076	12/10/2003	Michael Evans	27592-00215-US2	8495
7590 02/22/2008 Connolly Bove Lodge & Hutz LLP 1990 M Street NW, Suite 800 Washington, DC 20036-3425			EXAMINER AU, GARY	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,076

Applicant(s)

EVANS ET AL.

Examiner

Gary Au

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 23-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23³² are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,549,768 (Fraccaroli) and further in view of US Patent No. 6,782,253 Shteyn et al. (Shteyn).

As to claim 23, Fraccaroli teaches a system comprising: a network-connected server (server 109 – figure 1, col. 8 lines 33-56) storing an user profile for individual ones of a plurality of the users (matching profile 201 – figure 2, col. 8 line 33 - col. 9 line 5); a first computerized communication device usable by a first person potentially

interested in one or more of the users (mobile station 102 – figure 1, col. 3 lines 46-55, wherein Fraccaroli discloses there are more than one user in the area subscribed to the service interested in the dating service); and a second computerized communication device usable by another user (mobile station 102 – figure 1, col. 3 lines 46-55, wherein there are more than one user in the area subscribed to the service interested in the dating service); wherein the first person registers a seeker profile with the server (matching profile 201 – figure 2, col. 8 line 33 - col. 9 line 5), the server compares the seeker profile with stored user profiles and finds one or more matches (col. 9 line 50 - col. 10 line 15), and provides a communication address for the second communication device to the first person to contact the other user, responsive to finding that the stored user profile matches said seeker profile (col. 10 lines 40-67, wherein Fraccaroli discloses providing a telephone number of the matched user to both of the users). However, Fraccaroli fails to disclose a system for promoting exhibits at a trade show, a second computerized communication device usable by an agent for one of the exhibits and the stored user profiles is stored exhibit profiles.

In an analogous art, Shteyn inherently teaches a system for promoting exhibits at a trade show (col. 6 lines 28-36, wherein a trade show is in a similar environment as a trade show), a second computerized communication device usable by an agent for one of the exhibits (col. 8 lines 42-58, wherein Shteyn discloses providing a pointer to connect to the agent with SMS or telephone number, therefore, the agent has to have a communication device) and the stored user profiles is stored exhibit profiles (col. 7 lines 33-61, wherein Shteyn discloses store information is sent from the server).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Fraccaroli's system to include a system for promoting exhibits at a trade show, a second computerized communication device usable by an agent for one of the exhibits and the stored user profiles is stored exhibit profiles, as taught by Shteyn, for the advantage of providing alerts to the user of a matched service (col. 3 lines 1-16).

As to claim 28, Fraccaroli teaches a method comprising: (a) storing an user profile for individual ones of a plurality of the users on a network-connected server (matching profile 201 – figure 2, col. 8 line 33 - col. 9 line 5); (b) registering at the server a seeker profile of a first person (matching profile 201 – figure 2, col. 8 line 33 - col. 9 line 5) having a first computerized communication device (mobile station 102 – figure 1, col. 3 lines 46-55, wherein Fraccaroli discloses there are more than one user in the area subscribed to the service interested in the dating service); (c) comparing seeker profiles with exhibit profiles by the server and finding a match between the seeker profile and an individual one of the user profiles (col. 9 line 50 - col. 10 line 15); and (d) responsive to said match, passing a communication address to the first person by the server for a second computerized communication device usable by another user for the user matched to the seeker profile (col. 10 lines 40-67, wherein Fraccaroli discloses providing a telephone number of the matched user to both of the users). However, Fraccaroli fails to disclose a system for promoting exhibits at a trade show, a second

computerized communication device usable by an agent for one of the exhibits and the stored user profiles is stored exhibit profiles.

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It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Fraccaroli's system to include a system for promoting exhibits at a trade show, a second computerized communication device usable by an agent for one of the exhibits and the stored user profiles is stored exhibit profiles, as taught by Shteyn, for the advantage of providing alerts to the user of a matched service (col. 3 lines 1-16).

As to claims 24 and 29, Fraccaroli further teaches one or both of the computerized communication devices are cellular telephones (mobile station 102 – figure 1, col. 3 lines 46-55, wherein Fraccaroli discloses there are more than one user in the area subscribed to the service interested in the dating service).

As to claims 25 and 30, Fraccaroli further teaches the network is the Internet network (col. 8 lines 33-56).

As to claims 26 and 31, Fraccaroli further teaches the first computerized communication device an Internet-capable device (col. 8 lines 33-56), and the first person registers the seeker profile using the first computerized communication device (matching profile 201 – figure 2, col. 8 line 33 - col. 9 line 5).

As to claims 27 and 32, Fraccaroli further teaches the first communication device is an Internet-capable cellular telephone (col. 8 lines 33-56).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA


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2/19/08